

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, December 20, 2011, 7:00 PM
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding
Alderman Valerie Joh
Alderman Benjamin K. Mallicote
Alderman Michael McIntire

Vice Mayor Tom C. Parham
Alderman Tom Segelhorst
Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager
J. Michael Billingsley, City Attorney
James H. Demming, City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Ms. Abby Marshall.
- II.B. **INVOCATION:** By Mitch Whisnant, Associate Minister – First Baptist Church.
- III. **ROLL CALL:** By City Recorder Jim Demming.
- IV. **RECOGNITIONS AND PRESENTATIONS.** Mayor Phillips presented a certificate of appreciation to Mr. Bob Boatright who is retiring at the end of this month after serving as Kingsport City Judge since 1998.
- V. **APPROVAL OF MINUTES.**

Motion/Second: Parham/Mallicote, to approve minutes for the following meetings:

- A. December 5, 2011 Regular Work Session
- B. December 6, 2011 Regular Business Meeting

Approved: All present voting “aye.”

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.**

1. **Public Hearing for Annexation Annual Plan of Services Report** (AF: 334-2011). City Planner Ken Weems gave a brief presentation on this item, noting that the projected completion times are before the limits on all seven annexations.

PUBLIC COMMENT ON ITEM VI.AA.1. None.

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2. Public Hearing and Consideration of a Resolution to Amend the Resolution for the Plan of Services for the McKee Annexation Area (AF: 335-2011). City Planner Ken Weems also presented this item and explained that both requirements of a public hearing as well as the approval of the property owners have been met.

PUBLIC COMMENT ON ITEM VI.AA.2. None.

Motion/Second: McIntire/Segelhorst, to pass:

Resolution No. 2012-111, A RESOLUTION AMENDING RESOLUTION NO. 2006-115 BY AMENDING THAT PORTION OF THE PLAN OF SERVICES FOR THE MCKEE ANNEXATION OF THE CITY OF KINGSFORT, TENNESSEE PERTAINING TO THE PROVISION OF STREET LIGHTS

Passed: All present voting "aye."

A. PUBLIC COMMENT. Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

At this time, Mayor Phillips asked Deputy Chief Dale Phipps to give an update on the enforcement of the recently passed synthetic drug ordinance. Chief Phipps stated that out of the eleven stores who currently sale these products, the majority of them have already pulled the merchandise and are refusing to sell it. He further stated that covert operations have begun and officers have been trained to differentiate criminal versus civil issues. Mr. Phipps also noted that the District Attorney is pushing the state legislature to pursue this issue as soon as early spring of next year.

B. BUSINESS MATTERS REQUIRING FIRST READING.

1. Consideration of a Budget Ordinance to Transfer Funds from the Netherland Inn Road Project to the Rock Springs Road Project (AF: 338-2011). City Manager Campbell presented this item and pointed out the additional costs stemmed from unsuitable soils and other issues.

Motion/Second: Shupe/Joh, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY TRANSFERRING FUNDS TO THE ROCK SPRINGS ROAD PROJECT FOR THE YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

2. Consideration of an Ordinance Appropriating Funds to Purchase Two Vacant Commercial Lots Located at 225 East Main Street and to Replace the Funding for 1113 Konnarock Road (Pet Dairy Site) (AF: 346-2011). City Manager Campbell gave details on this item, noting the Pet Dairy site closing was

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today. He further stated the acquisition of the two lots would protect public parking and allow the use of the property for future public events. Alderman McIntire stated he was concerned and uncomfortable with this purchase. Alderman Mallicote agreed, noting this was a lot of money for a project with no real definitive use. Alderman Joh pointed out we should see this as an investment as well as protection.

Motion/Second: Segelhorst/Parham, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY APPROPRIATING FUNDS FOR THE PURCHASE OF PROPERTY LOCATED AT 225 E. MAIN STREET FOR THE YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye" except McIntire and Mallicote voting "nay."

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION. None.

D. OTHER BUSINESS.

1. Consideration of a Resolution Authorizing the Mayor to Enter into an Interlocal Government Agreement with the Town of Mount Carmel for Land-Use Planning Services (AF: 339-2011).

Motion/Second: McIntire/Mallicote, to pass:

Resolution No. 2012-112, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTER-LOCAL AGREEMENT FOR LOCAL PLANNING ASSISTANCE TO SERVE THE TOWN OF MOUNT CARMEL, TENNESSEE

Passed: All present voting "aye."

2. Consideration of a Resolution Authorizing the City Manager to Issue a Purchase Order to Purchase Various Components and In-Car Cameras for the Police Department (AF: 341-2011).

Motion/Second: Shupe/McIntire, to pass:

Resolution No. 2012-113, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR IN-CAR VIDEO CAMERAS TO INSIGHT PUBLIC SECTOR FOR THE KINGSPORT POLICE DEPARTMENT

Passed: All present voting "aye."

3. Consideration of a Resolution Authorizing the Acceptance of the Offer from E-One, Inc. to Purchase Two (2) Replacement Fire Pumper Apparatus (AF: 342-2011). City Manager Campbell provided details on this item, noting that last year one replacement purchase was delayed due to budget concerns. Mr. Campbell commented on the E-One replacement we had already received, noting the fire department is very satisfied. He further noted the money is in the fleet fund for this purchase and we will receive a discount as well.

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Motion/Second: McIntire/Segelhorst, to pass:

Resolution No. 2012-114, A RESOLUTION AUTHORIZING THE PURCHASE OF TWO 2011 EPA EMISSION COMPLIANT REPLACEMENT PUMPERS FROM E-ONE, INC.; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURCHASE AND THE PURPOSE OF THIS RESOLUTION

Passed: All present voting "aye."

4. Consideration of a Resolution Authorizing the Reimbursement of Materials Agreement Funds to Jane Karst for Jane Karst Subdivision (AF: 345-2011).

Motion/Second: Shupe/Parham, to pass:

Resolution No. 2012-115, A RESOLUTION AUTHORIZING REIMBURSEMENT OF MATERIALS AGREEMENT FUNDS TO JANE KARST FOR THE JANE KARST SUBDIVISION

Passed: All present voting "aye."

5. Consideration of a Resolution Declaring a School Bus as Surplus Property, Donating the Bus to Sullivan County and Authorizing the Mayor and City Recorder to Execute All Documents Necessary and Proper to Effectuate the Purpose of the Resolution (AF: 347-2011). City Manager Campbell provided details on this item, noting the Board had asked for this to be added at last night's work session. Mr. Campbell explained the Sullivan County Mayor has asked the city for a bus to be used as part of the DUI/Litterbus Clean-up Crew. Mayor Phillips pointed out the County assists with litter pick-up at no cost to the City. Mr. Phillips also stated this was a bus that we would sell as surplus for a minimal price, noting the better use would be to honor this request.

Motion/Second: Joh/Segelhorst, to pass:

Resolution No. 2012-116, A RESOLUTION DECLARING A SCHOOL BUS AS SURPLUS PROPERTY; APPROVING THE DONATION OF THE SURPLUS SCHOOL BUS TO SULLIVAN COUNTY; AND AUTHORIZING THE MAYOR AND THE CITY RECORDER TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE DONATION

Passed: All present voting "aye."

E. APPOINTMENTS/REAPPOINTMENTS.

Appointments and reappointments are considered under one motion.

Motion/Second: Mallicote/McIntire, to approve the following:

1. Consideration of a Reappointment to the Beverage Board (AF: 336-2011).

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Approve:

REAPPOINTMENT OF MR. NATHAN BLYE TO SERVE ANOTHER THREE-YEAR TERM ON THE **BEVERAGE BOARD**, EFFECTIVE JANUARY 1, 2012, AND EXPIRING ON DECEMBER 31, 2014

Passed: All present voting "aye."

**2. Consideration of a Reappointment to the Higher Education
Advisory Board (AF: 337-2011).**

Approve:

REAPPOINTMENT OF MR. CHARLIE FLOYD TO SERVE ANOTHER THREE-YEAR TERM ON THE **HIGHER EDUCATION ADVISORY BOARD**, EFFECTIVE IMMEDIATELY AND EXPIRING ON OCTOBER 31, 2014.

Passed: All present voting "aye."

**3. Consideration of an Appointment to the Parks and Recreation
Committee (AF: 309-2011).**

Approve:

APPOINTMENT OF MS. SARAH KITZMILLER TO SERVE AN UNEXPIRED TERM ON THE **PARKS AND RECREATION COMMITTEE**, EFFECTIVE IMMEDIATELY AND EXPIRING JUNE 30, 2012.

Passed: All present voting "aye."

**4. Consideration of Reappointments to the Kingsport Emergency
Communication District Board of Directors (AF: 340-2011).**

Approve:

REAPPOINTMENTS OF MR. CONNER CALDWELL AND MR. KENNETH CALVERT TO SERVE FOUR-YEAR TERMS ON THE **KINGSPORT EMERGENCY COMMUNICATION DISTRICT BOARD OF DIRECTORS**, EFFECTIVE JANUARY 1, 2012, AND EXPIRING ON DECEMBER 31, 2015.

Passed: All present voting "aye."

**5. Consideration of Reappointments to the Senior Center
Committee (AF: 343-2011).**

Approve:

REAPPOINTMENTS OF MR. PAUL VONBRAMER AND MR. DAN WELLS TO SERVE TWO-YEAR TERMS ON THE **SENIOR CENTER COMMITTEE**, EFFECTIVE JANUARY 1, 2012, AND EXPIRING ON DECEMBER 31, 2013.

Passed: All present voting "aye."

**6. Consideration of Reappointments to the Economic
Development Board (AF: 344-2011).**

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Approve:

REAPPOINTMENTS OF MR. BILL DUDNEY AND MS. JULIE BENNETT TO SERVE SIX-YEAR TERMS ON THE **ECONOMIC DEVELOPMENT BOARD**, EFFECTIVE JANUARY 1, 2012, AND EXPIRING ON DECEMBER 31, 2017.

Passed: All present voting "aye."

VII. CONSENT AGENDA.

Consent Agenda items are considered under one motion.

Motion/Second: Shupe/Parham, to adopt:

1. Consideration of a Budget Ordinance to Appropriate Donated Funds Received from New Vision Youth (AF: 308-2011).

Adopt:

Ordinance No. 6161, AN ORDINANCE TO AMEND THE GENERAL FUND BUDGET BY APPROPRIATING FUNDS RECEIVED FROM DONATIONS FOR THE YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

2. Consideration of an Ordinance to Amend the Drug Fund Budget by Appropriating Funds for Various Projects (AF: 328-2011).

Adopt:

Ordinance No. 6162, AN ORDINANCE TO AMEND THE DRUG FUND BUDGET BY APPROPRIATING FUNDS FOR THE VARIOUS PROJECTS FOR THE YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

3. Adoption of the 2012 Joint Tri-Cities Legislative Policy (AF: 330-2011).

Adopt:

ADOPT THE 2012 TRI-CITIES LEGISLATIVE POLILCY

Passed on second reading in a roll call vote: Joh, Mallicote, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

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VIII. COMMUNICATIONS.

A. CITY MANAGER. First, Mr. Campbell asked Public Works Director Ryan McReynolds to talk about the revised schedule for trash pickup this week. Mr. McReynolds stated that since Christmas was on Sunday, the scheduled pick-up days would not change, but there would be additional crews working next week in anticipation of more trash. He asked citizens to place extra boxes away from the regular trash bin so the truck would not have any difficulty. Mr. Campbell stated the city employees were thankful for the half day off on Friday, noting city offices will close at 12:00 p.m. and county offices will be closed all day. He also noted the first work session and board meeting in January has been moved to the 9th and 10th because of the holidays.

B. MAYOR AND BOARD MEMBERS. Each Board member wished everyone a Merry Christmas and a Happy Healthy New Year. They also thanked the city employees for their work.

Alderman McIntire and Alderman Shupe also stated they were honored to serve on the board.

Alderman Joh commented on her recent trip to New Zealand and Australia and pointed out the differences in how they celebrate Christmas, noting she was thankful for the religious aspect in America.

Alderman Segelhorst offered a special thanks to the emergency personnel who will be working over the holiday.

Alderman Mallicote commented on the audit, noting the Audit Committee met this past Monday. The recent audit received a clean, unqualified opinion as well as a certificate of excellence. The audit will be filed in Nashville by December 31st per state law requirements.

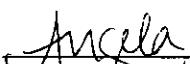
Vice-Mayor Parham wanted the citizens to understand that although there may not be much discussion on an item during the actual business meeting, several hours have been put in beforehand. The vice-mayor then explained the process and gave an example.

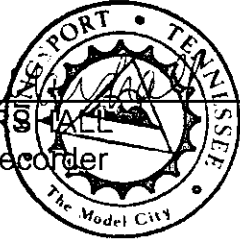
Mayor Phillips commented on the ups and downs of the Higher Education System over the last two years and pointed out an agreement has been made with the Tennessee Board of Regents. The Mayor stated that the City will be hiring an employee to be paid with fees from Northeast State Community College to recruit new schools to the program and fill classes on the weekend. Mayor Phillips also stated that serving on the BMA has been the highlight of his life and respected everyone, even when there was a difference of opinion.

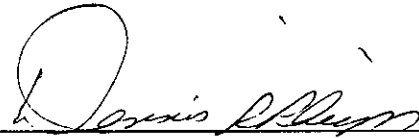
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C. VISITORS. None.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 7:45 p.m.


ANGELA MARSHALL
Deputy City Recorder




DENNIS R. PHILLIPS
Mayor